

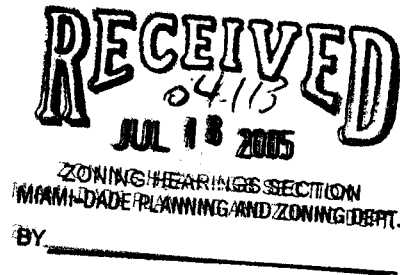
FORREST SYGMAN, P.A.

UNION PLANTERS BANK BUILDING
SUITE 303
8603 SOUTH DIXIE HIGHWAY
MIAMI, FLORIDA 33143

TELEPHONE (305) 661-8955
TELECOPIER (305) 668-6225

July 6, 2005

Ronald Connally, Acting Supervisor
Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1 Street, 11th Floor
Miami, Florida 33128



Re: Antonio Sanchez
Hearing No.: 04-113

Dear Mr. Connally:

I am writing with regard to the appeal of denial of zoning variance for Antonio Sanchez.

The purpose of this letter is at your request is to advise you that the appeal has been filed on behalf of Mr. Sanchez with regard to denial of the variance as a result of both revised plans more consistent with the current zoning regulation; the acceptance of the zoning appeals board variance for another non-conforming dealer and modified plans submitted and on file which contains less non-conformities in accordance with the current BU-3 zoning for the property owned by Mr. Sanchez.

Should you require anything further please feel free to contact me.

Very truly,

Forrest Sygman

FS/jm

SOUTH FLORIDA LAND USE CONSULTANTS, INC.
PLANNING & ZONING SPECIALISTS
436 S.W. 8TH Street, Suite 204
Miami, Florida 33130

October 11, 2004

Ms. Diane O'Quinn Williams
Director of Planning & Zoning
Stephen P. Clark Center
111 N.W. 1st Street
Miami, FL 33128

RE: Process No. 04-113

Applicant: Antonio Sanchez owner of Truck Sales of Miami

Application filed: 4/5/04 Public Hearing scheduled 11/16/04 = seven (7) months

Revised letter of intent submitted 5/25/04

Request: BU-2 to BU-3 to permit used auto and truck sales

Size of property .77 acres

Property purchased December 1, 2003 and January 3 2004

Folio #s 30-3115-043-0230, 30-3115-043-0231, 30-3115-043-0220

Dear Diane,

This letter is for informational purposes only. With regard to the above referenced please be advised of the following.

Per the Applicant and his wife, Yinet Valladares (president of Truck Sales of Miami) and in accordance with the deposition filed with Dade County Attorney, the Applicants have voiced the following concerns.

1. Prior to the purchase of this property) the Applicant and his wife Yinet, met with Damon Holness of the Zoning Information Department on the 12th floor. The Applicant and his wife work together in the auto and truck sales business. After discussing the property and applicant's proposed use for the property, (per Yinet Valladares) Damon advised them to go ahead and buy the property. Damon further advised that as long as the Applicants complied with all the requirements such as landscaping, parking, masonry wall etc. the applicants would not have any problems.

..... PROFESSIONAL EXPERIENCED RELIABLE

Office 305 . 858 . 8540 Fax 305 . 858 . 8545

DIRECT LINES

Claudette Waters 305 . 491 . 2425 Skip Scofield 305 . 904 . 1552

Page 2, Process No. 04-113, Sanchez

2. Damon directed the Applicants to Zoning Evaluation, where they submitted a Zoning Evaluation request form. The Applicants were told to wait for a phone call or a meeting. No phone call was received and after some time the applicants called and spoke to Gilbert Blanco.

Applicants' state; "Gilbert. said that he had talked with other people in that department and they agreed to be supportive of our application". Per Gilbert "the master plan found the use to be prevalent in the area and consistent with the plan and not in conflict with it".

Further Gilbert advised that it might take some negotiating as to non-use variances and a covenant to limit the use to only vehicle sales. Gilbert said a nice site plan with landscaping would be required. We requested this evaluation in writing but were told there was no such thing as a written evaluation and that it is policy to only give verbal evaluations.

3. The Applicants purchased the property, (per PXTA) for;	\$138,000.00
+ Land clearing and removal of debris @	4,500.00
+ Removal of two inoperable trucks	200.00
+ Property liens owed by previous owner	6,298.00
+ Fencing of the property to stop dumping & loitering	18,000.00
+ Fence Permits & fees = \$372.84 + 101.80	474.64
+ Zoning Representation	5,500.00
+ Site Plans	2,200.00
+ Zoning Application Fee (actual less than \$8,000.)	<u>7,867.66</u>

TOTAL PAID OUT TO DATE

\$183,040.30

Only after the purchase of the property and filing of the application did the applicant find that Commissioner Rolle's ordinance "modifying requirements for new and/or used auto and truck sales" was passed and would be retroactive applying to all applications pending hearing. The applicant rented space for his truck sales business for approximately 5 years from the property owner immediately north of the subject property. The rental property is addressed as 6611-6645 N.W 27th Ave., owned by Fred Dixon and zoned BU-2 with BU-3 uses limited to auto and truck sales permitted, via public hearing, Resolution Z-23-00. However the owner of the rental property failed to complete all the site plan requirements, and was subsequently closed down by Dade County, thus the applicant was forced to close his business and relocate.

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Page 3, Process No. 04-113, Sanchez

The applicant has been out of business now for more almost a one year.

The applicant has borrowed money from all sources available, including family and friends.

The applicant and his wife have taken part time and odd jobs trying to make ends meet for their family which includes two small children. At present their financial situation is critical.

Obviously the Applicant has been under considerable stress and approximately three weeks ago he called Lynn Talleda attempting to determine why his application had not been assigned a hearing date and what staff's recommendation was.

Per the Applicant,

Lynn advised that the hearing would be Nov. 16th, and that staff recommendation was for denial. The applicant requested a copy of the recommendation and Lynn agreed to fax a copy to my office.

When the applicant advised me of what he had transpired, I was somewhat surprised to think that a staff recommendation would be released so far in advance of the hearing, however I called attempting to gain information and spoke to Judy Rawls on several occasions. Judy initially advised that the recommendation was not ready but that she would work on it. The last time I met with Judy was on September 30th, and was told that it was in Maria Theresa's office. The last time I spoke to Judy was on October 5th, when she advised that the recommendation was still in Maria Theresa's office. No recommendation has been received to date. Thus, we have no information as to exactly why the application is being recommended for denial.

Council 8 approved a similar application known as Comanche Inc. on May 25, 2004. The hearing no. is 04-4-CZ8, the process no. is 03-370. No resolution is available to date

The Applicants Tony Sanchez and his wife Yinet Valladares have retained an attorney as have the Used Auto Dealerships organization in an attempt to overturn Commissioner Rolle's ordinance.

Your time and consideration are appreciated. I look forward to our meeting of Friday October 15th.

Respectfully submitted


Claudette L. Waters

CC: Pete Hernandez, Deputy County Manager

..... PROFESSIONAL EXPERIENCED RELIABLE

Office 305 . 858 . 8540 Fax 305 . 858 . 8545

DIRECT LINES

Claudette Waters 305 . 491 . 2425 Skip Scofield 305 . 904 . 1552

Waters & Waters Associates Inc.
Planning & Zoning Consultants
9057 SW 214 Street, Miami, Florida 33189



May, 25, 2004

Ms. Diane O'Quinn-Williams
Zoning Director
Dade County Building & Zoning Department
111 Northwest First Street
Miami, Florida 33128

204-113
RECEIVED

JUN 02 2004

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *BL*

Re: *Revised* Letter of Intent

Subject Location: East side of NW 27th Avenue between NW 65th and NW 66th Streets

Applicant/Owner: Antonio Sanchez

County: Dade

Current Zone: BU-2

Subject Property Size: .77 acre +-

Legal description: Lots 4, 5, 6, 7, 8, 9, less street in Block 4 of Elizabeth Park Amended, according to the Plat thereof as recorded in PB 4 Page 195 of the public records of Miami-Dade County Florida

Request: Rezone Lots 4, 5, 6, 7, 8, & 9, Block 4 of Elizabeth Park amended, to BU-3.

Ladies and Gentlemen:

This letter will serve as a revised Letter of Intent to accompany the above referenced application. Accordingly, the Applicant/Owner requests your favorable consideration of the following: The proposed revision, is the Applicant's request to maintain a temporary sales office trailer on the property for a period of one (1) year (maximum), while the construction of the permanent sales office and repair center are completed.

All other terms, requests etc. of the original "Letter of Intent" remain the same, as follows:

The Applicant/Owner proposes to rezone the subject property as described in the attached application to BU-3, in order to establish a Used Automobile & Truck sales business with an ancillary use of auto and truck repair. The automobile and trucks offered for sale will be displayed on a paved open lot area as designated on the site plan submitted together with the Zoning Application. The proposed use is compliant and consistent with the Comprehensive Development Master Plan, (CDMP) which designates this area as Business and Office.

The Applicant/Owner purchased this property just prior to the enactment of Ordinance No. 02-23, which modifies the requirements for new and/or used auto and truck sales. Thus Variances are now required, due to the stringent demands of this new ordinance.

Page 2, Sanchez, "Letter on Intent" continued

..... At your service, Acquisition through Zoning

Variances requested are as follows:

REQUEST	REQUIRED/PERMITTED	PROVIDED/REQUESTED
1. Variance to lot size (net)	1 acre / 43,560 sq ft	.77 acre / 33, 541 sq ft
2. Variance to ancillary repair space	15%	40%
3. Variance to greenbelt all property lines	15 ft	7 ft
4. Variance to perimeter hedges 3ft continuous @ ROW		none
5. Variance to permit proposed Use, less than required distance from existing an RU, district	500 ft	7 ft

The Applicant proposes to plant a (three feet tall at the time of planting) Pittosporum hedge or if required install a 6 ft solid fence along the rear of the property, which abuts a church, located in the RU-3M district. An existing chain link fence currently exists along a portion of the rear of the property. The Applicant has installed a chain link fence along the front and sides of the property to eliminate vagrants from entering and to provide security in general.

The subject property contains 33,541. Sq ft +- or .77 acre +- and has frontage of 280 lineal feet on NW 27th Avenue. At the time of purchase, this property was extremely overgrown with weeds and brush reaching five to eight feet in height in many areas. with indications of vagrant inhabitants, garbage and the carcasses of several dogs. The property was a definite eyesore, a security concern and the cause of unpleasant odor for the surrounding area.

The Applicant/Owner, (Antonio Sanchez) has expended a large sum of money in the cleaning and fencing of the property. \$6,298.80 in fines and liens placed on the subject property due to the previous owner's neglect have been paid by Mr. Sanchez. The property is now a cleaned and mowed, containing no vagrant inhabitants, no garbage and no odors. A copy of the liens paid in full is included for your review.

The subject property is located on a major thoroughfare within a commercial corridor. The proposed use is compatible with existing commercial uses in the area. Certainly, a well-designed landscaped, legitimate business established at this location would be far preferable to the vacant overgrown garbage strewn site that existed prior to the Applicant's purchase.

Your prompt and positive response to this request is appreciated.

Sincerely,


Claudette L. Waters, Representative/P.O.A.

Cc: Antonio Sanchez

.....At your service, Acquisition through Zoning

Direct line 305. 491. 2425 Office 305. 234. 9373 . . Fax 305.234.3225 . . E mail . watersandwaters@bellsouth.net

Waters & Waters Associates Inc.
Planning & Zoning Consultants
9057 SW 214 Street, Miami, Florida 33189



April 12, 2004

Ms. Diane O'Quinn-Williams
Zoning Director
Dade County Building & Zoning Department
111 Northwest First Street
Miami, Florida 33128

Re: *REVISED* Letter of Intent

Subject Location: East side of NW 27th Avenue between NW 65th and NW 66th Streets

Applicant/Owner: Antonio Sanchez

County: Dade

Current Zone: BU-2

Subject Property Size: .77 acre +/-

Legal description: Lots 4, 5, 6, 7, 8, 9, less street in Block 4 of Elizabeth Park Amended, according to the Plat thereof as recorded in PB 4 Page 195 of the public records of Miami-Dade County Florida

Request: Rezone Lots 4, 5, 6, 7, 8, & 9, Block 4 of Elizabeth Park amended, to BU-3.

Ladies and Gentlemen:

This letter will serve as the required, Letter of Intent, to accompany the above referenced application. Accordingly, the Applicant/Owner requests your favorable consideration of the following:

The Applicant/Owner, proposes to rezone the subject property as described in the attached application to BU-3, in order to establish a Used Automobile & Truck sales business with an ancillary use of auto and truck repair. The automobile and trucks offered for sale will be displayed on a paved open lot area as designated on the site plan submitted together with the Zoning Application. The proposed use is compliant and consistent with the Comprehensive Development Master Plan, (CDMP) which designates this area as Business and Office.

The Applicant/Owner purchased this property just prior to the enactment of Ordinance No. 02-23, which modifies the requirements for new and/or used auto and truck sales. Thus Variances are now required, due to the stringent demands of this new ordinance.

..... *At your service, Acquisition through Zoning*

Direct line 305. 491. 2425 Office 305. 234. 9373 . . Fax 305.234.3225 . . E mail . watersandwaters@bellsouth.net

Variances requested are as follows:

REQUEST	REQUIRED/PERMITTED	PROVIDED/REQUESTED
1. Variance to lot size (net)	1 acre / 43,560 sq ft	.77 acre / 33, 541 sq ft
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3. Variance to greenbelt all property lines continuous @ ROW	15 ft	7 ft
4. Variance to perimeter hedges	3ft @ ROW	none
5. Variance to permit proposed Use, less than required distance from existing an RU, district	500 ft	7 ft

The Applicant proposes to plant a (three feet tall at the time of planting) Pittosporum hedge or if required install a 6 ft solid fence along the rear of the property, which abuts a church, located in the RU-3M district. An existing chain link fence currently exists along the major portion of the rear of the property. The Applicant has installed a chain link fence along the front and sides of the property to eliminate vagrants from entering and to provide security in general.

The subject property contains 33,541. Sq ft +- or .77 acre +- and has frontage of 280 lineal feet on NW 27th Avenue. At the time of purchase, this property was extremely overgrown with weeds and brush reaching five to eight feet in height in many areas. with indications of vagrant inhabitants, garbage and the carcasses of several dogs. The property was a definite eyesore, a security concern and the cause of unpleasant odor for the surrounding area.

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The subject property is located on a major thoroughfare within a commercial corridor. The proposed use is compatible with existing commercial uses in the area. Certainly, a well-designed landscaped, legitimate business established at this location would be far preferable to the vacant overgrown garbage strewn site that existed prior to the Applicant's purchase. The applicant further requests that a temporary office trailer be permitted on the site for a period of not more than one (1) year, while the permanent structure is being built.

Your prompt and positive response to this request is appreciated.

Sincerely,



Claudette L. Waters, Representative/P.O.A.

Cc: Antonio Sanchez

.....At your service, Acquisition through Zoning

Waters & Waters Associates Inc.

Planning & Zoning Consultants
9057 SW 214 Street, Miami, Florida 33189



March 31, 2004

Ms. Diane O'Quinn-Williams
Zoning Director
Dade County Building & Zoning Department
111 Northwest First Street
Miami, Florida 33128

RECEIVED
204-113
APR 05 2004

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY BC

Re: Letter of Intent

Subject Location: East side of NW 27th Avenue between NW 65th and NW 66th Streets

Applicant/Owner: Antonio Sanchez

County: Dade

Current Zone: BU-2

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Claudette L. Waters, Representative/P.O.A.

Cc: Antonio Sanchez

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